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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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OFFICE OF RESEARCH

Room 213, Blatt Building, P.O. Box 11867, Columbia, S.C. 29211, (803) 734-3230

HOUSE WEEK IN REVIEW

The House of Representatives concurred in Senate amendments to **S.297**, the **South Carolina Conservation Bank Act**, and enrolled the bill for ratification. This bill establishes the South Carolina Conservation Bank as an ongoing funding source governed by a twelve member board and created to acquire interests in real property from willing sellers in order to protect wildlife habitats, forestlands, farmlands, open space, parks, historical sites, and healthy streams, rivers, bays, and estuaries; for recreational purposes, for scientific study, for aesthetic appreciation, for protection of critical water resources, to maintain the State's position as an attractive location for visitors and new industry, and to preserve the opportunities of future generations to benefit from the existence of the State's outstanding natural and historical sites. The Conservation Bank is established to encourage cooperation and innovative partnerships among landowners, state agencies, local governments, and nonprofit organizations to ensure the orderly development of the State.

The bill provides for the Board's appointed and *ex officio* membership, terms of service, and meetings. The Governor is authorized to appoint three board members from the state at large. Three members are appointed by the President Pro Tempore of the Senate, one each from the first, second, and fifth congressional districts. Three members are appointed by the Speaker of the House of Representatives, one each from the third, fourth, and sixth congressional districts. The *ex officio* members are the board chairs of the Department of Natural Resources and the South Carolina Forestry Commission, and the director of the South Carolina Department of Parks, Recreation, and Tourism. Board members serve four-year terms under a staggered schedule. Members shall serve without compensation, but may receive the mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions. The board shall elect a chairman and other officers as necessary from its membership. The bill establishes conditions for when board members must recuse themselves from board decisions. In order to operate the Bank, the bill requires the Board to hire an executive director and authorizes the Board to hire staff, to contract for certain services, and to enter into cooperative agreements with other state agencies.

The bill creates the South Carolina Conservation Bank Trust Fund, separate from all other funds, to receive and hold revenues of the Bank. The trust fund is authorized to receive funding from any sources that the General Assembly may provide by law; and from governmental grants and private gifts and bequests. Effective July 1, 2004, twenty-five cents of the one dollar thirty cent state deed-recording fee must be credited to the South Carolina Conservation Bank Trust Fund. The Department of Public Safety is authorized to issue "Conserve South Carolina" special motor vehicle license plates which may have an emblem, a seal, logo, or other symbol of the South Carolina Conservation Bank. The portion of the biennial fee remaining after production costs are met is to be deposited in the Trust Fund. However, in a fiscal year when the General Assembly in the annual general appropriations act provides less appropriations than what was provided for the previous year to at

least one-half of the state agencies or departments or in any year when the Budget and Control Board orders across the board cuts to state agencies and departments, no further transfer of deed recording fees or other appropriated funds, state or local, may be credited to the trust fund for the fiscal year or balance of the fiscal year. Under such circumstances, existing balances in the trust fund may be used as provided.

The Bank is established and authorized to: (1) award grants to eligible trust fund recipients for the purchase of interests in land, so long as the grants advance the purposes of the Bank and meet the specified criteria; (2) make loans to eligible trust fund recipients for the purchase of interests in land, at no interest or at an interest rate determined by the board, and under terms determined by the board, so long as the loans advance the purposes of the Bank and meet the specified criteria; (3) apply for and receive additional funding for the trust fund from federal, private, and other sources, to be used as provided; (4) receive charitable contributions and donations to the trust fund, to be used as provided; and (5) receive contributions to the trust fund in satisfaction of any public or private obligation for environmental mitigation or habitat conservation, whether such obligation arises out of law, equity, contract, regulation, administrative proceeding, or judicial proceeding. Such contributions must be used as provided; (6) exercise its discretion in determining what portion of trust funds shall be expended, awarded, or loaned in any particular year, and what portion of trust funds shall remain in the trust fund from one fiscal year to the next. Funds within the trust fund shall be invested or deposited into interest-bearing instruments or accounts, with the interest accruing and credited to the fund.

An eligible trust fund recipient may apply for a grant or loan from the trust fund to acquire a specific interest in land identified in its application. An application must not be submitted to the board without the written consent of the owner of the interest in land identified in the application. Contiguous landowners and other interested parties may submit in writing to the board their views in support of or in opposition to the application. The board must hold a public hearing on the application at which the eligible trust fund recipient, contiguous landowners, and other interested parties shall be heard. Interested parties include representatives of the municipality, county, and public or private utilities in the area wherein the property is located. The board shall conduct a public hearing on an application before awarding a grant or loan pursuant to the application.

Before applying for trust funds for the purchase of an interest in land, the eligible trust fund recipient receiving the funds must notify the owner of the land that is the subject of the trust fund grant or loan of the following in writing: (1) that interests in land purchased with trust funds result in a permanent conveyance of such interests in land from the landowner to the eligible trust fund recipient or its assigns; and (2) that it may be in the landowner's interest to retain independent legal counsel, appraisals, and other professional advice.

The board shall evaluate each proposal according to conservation criteria listed in the bill, financial criteria listed in the bill, and the extent to which the proposal

provides public access for hunting, fishing, outdoor recreational activities and other forms of public access. The board shall award grants or loans on the basis of how well proposals meet these three criteria.

The bill specifies the information that must be supplied by applicant for a grant or loan. Under the bill, an applicant is required to demonstrate that it is able to complete the project, indicate the total number of acres and describe the lands it has preserved in the State.

The board only may authorize grants or loans to purchase interests in lands at fair market value. In no cases may funds from the trust fund be used to acquire interests in lands at a price that exceeds the fair market value of the interest being acquired. However, trust funds may be used to acquire interests in land at below fair market value, but only if the owner of the interest consents and in writing to sell at below fair market value.

The Board is required, upon awarding a grant or loan, to set forth specified findings including but not limited to findings regarding the application/applicant which are relevant to the award and how the application/applicant satisfies the provisions and intentions of the bill.

The bill provides that land interest acquired by an eligible trust fund recipient may not be extinguished, sold, transferred, assigned, alienated, or converted to a purpose other than that set forth in the grant or loan award without following the procedures set forth in the legislation.

Interests in land acquired with trust funds must be managed and maintained in order to perpetuate the conservation, natural, historical, open space, and recreational uses or values for which they were originally acquired. Uses which are adverse to the original purposes for which the interests in land were acquired with trust funds are not permitted without securing a: (1) two-thirds vote of the board, following a finding of fact that the land no longer exhibits the characteristics that qualified it for acquisition with funds from the fund; and (2) majority vote of the State Budget and Control Board.

Funds from the trust fund may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceeding. This provision may not be repealed, amended, or otherwise modified except by an affirmative two-thirds vote of the total membership of both the House of Representatives and the Senate.

The provisions of this legislation must not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat management, as regulated by the laws of this State, upon lands for which interests in lands are obtained pursuant to this chapter. These and other traditional and compatible activities may be conducted, where appropriate, upon lands preserved with trust funds.

The bill requires the Bank submit an annual report containing specified data, to the Governor, Lieutenant Governor, and General Assembly. The Board must also perform a bi-annual review of the plight of land loss by small land owners and holders of heirs property. The results of this review must be submitted to the General Assembly.

The South Carolina Conservation Bank Act provisions are repealed effective July 1, 2013, unless reenacted or otherwise extended by the General Assembly. However, the South Carolina Conservation Bank established by this act may continue to operate as if it were not repealed until the South Carolina Conservation Bank Trust Fund is exhausted or July 1, 2016, whichever first occurs. Any balance in that trust fund on July 1, 2016, reverts to the general fund of the State.

The House gave third reading approval to H.4878, the Fiscal Year 2002-2003 **General Appropriation Bill**, and H.4879, the **Budget Proviso Codification Act**. These bills were sent to the Senate.

The House amended Senate amendments on H.3307, pertaining to the **Education Lottery**, and returned the bill to the Senate. As amended, the bill provides that the net proceeds from the Education Lottery Account are to be appropriated as follows (figures rounded): Education Accountability Act Increase \$23.9 million; K-5 Reading, Math, Science, and Social Studies Program \$36.5 million; School Buses \$35.0 million; ETV Digitalization \$18.5 million; Aid to public libraries \$1.5 million; LIFE Scholarship Increase (Includes technical college students) \$42.1 million; Palmetto Fellows Increase to \$5,500 \$3.5 million; Tuition grants for private college students \$2.0 million; Endowed Chairs at Research Universities \$30.0 million; Technology Enhancement at Public four-year universities, two-year institutions, and state technical schools \$21.7 million; National Guard tuition repayment program \$1.5 million. The legislation authorizes the South Carolina Lottery Commission to enter into a multi-state agreement for the sale of instant game tickets, online game tickets, and related multi-state lottery products including game shows and promotional products.

The House concurred in Senate amendments to H.4543 and adopted the concurrent resolution. Under the resolution, the General Assembly proclaims September 11, 2002, as **"911 Heroes Day"**, a day of recognition to express the gratitude of the citizens of South Carolina for all the sacrifices made by public safety personnel in the performance of their duties.

The House concurred in Senate amendments to H.3822, and ordered the bill enrolled for ratification. This bill authorizes the Department of Insurance to issue **limited licenses allowing a rental company to offer or sell insurance in connection with the rental of a motor vehicle**. A rental company issued the limited license would be authorized to offer or sell in conjunction with a rental agreement not exceeding ninety consecutive days personal accident insurance covering the risks of travel, liability insurance, personal effects insurance, roadside assistance and emergency sickness protection programs, and any other travel or vehicle related coverage in connection with and incidental to the rental of vehicles. A limited

licensee may only offer or sell insurance through a licensed insurer. A limited licensee may act as an agent for an insurer without obtaining an agent's license. The bill provides conditions for such licensure and a forty-dollar biennial limited license fee.

The House approved and sent to the Senate H.4869. This bill provides that the **eleventh day of September of each year is designated as a State Day of Remembrance** for the victims of the tragic events of September 11, 2001, and for the firefighters, law enforcement, National Guard, and emergency service personnel who risk their lives and well-being everyday to ensure the safety of South Carolina's citizens.

The House amended and rejected H.4501, a joint resolution proposing an amendment to the South Carolina Constitution **revising the constitutional prohibition on public officers engaging in gambling**. The proposed revisions make clear that the prohibition does not include participation by a public officer in a lawful gambling activity such as the South Carolina Education Lottery.

The House appointed conference committees to negotiate differences with the Senate on H.3163, the **South Carolina Historic Rehabilitation Incentives Act**, and H.3481, a bill pertaining to **size limits on striped bass taken from Lake Murray during the summer months**.

The House concurred in Senate amendments to H.4413, pertaining to the **construction and repair of groins on beaches**, and ordered the bill enrolled for ratification. The legislation provides that existing groins may be reconstructed, repaired, and maintained. New groins may only be allowed on beaches that have high erosion rates with erosion threatening existing development or public parks. In addition to these requirements, new groins may be constructed and existing groins may be reconstructed only in furtherance of an on-going beach renourishment effort that meets the criteria set forth in the legislation and Department of Health and Environmental Control regulations. The bill requires applicants for groin construction/reconstruction to institute a beach erosion monitoring program, as specified. Groins may only be permitted after thorough analysis demonstrates that the groin will not cause a detrimental effect on adjacent or downdrift areas. The applicant shall provide a financially binding commitment, such as a performance bond or letter of credit that is reasonably estimated to cover the cost of reconstructing or removing the groin and/or restoring the affected beach through renourishment. If the monitoring program shows an increased erosion rate along adjacent or downdrift beaches that is attributable to a groin, the department must require either that the groin be reconfigured so that the erosion rate on the affected beach does not exceed the pre-construction rate, that the groin be removed, and/or that the beach adversely affected by the groin be restored through renourishment. Adjacent and downdrift communities and municipalities must be notified by the department of all applications for a groin project.

The House approved and sent to the Senate H.3823, a bill pertaining to the **termination of alimony**. Under this bill, alimony would be terminated upon the

continued cohabitation of the supported spouse. For purposes of this legislation, 'continued cohabitation' means the ongoing residency of the supported spouse with a person in a relationship that is tantamount to marriage, as recognized by the laws of this State.

The House amended, approved, and sent to the Senate **H.3849**, a bill revising the **qualifications for probate judges**. The bill provides that, prior to January 1, 2004, no person is eligible to hold the office of judge of probate unless the person, at the time of his election: (1) is a citizen of the United States and a resident of this State; (2) is twenty-one years of age; (3) is a qualified elector of the county in which he is to be a judge; and (4) has graduated from high school or, if he has no degree, has four year's experience as a full time associate probate judge in a probate judge's office in this State. After December 31, 2003, through December 31, 2005, no person is eligible to hold the office of judge of probate unless the person at the time of his election: (1) is a citizen of the United States and a resident of this State; (2) is twenty-one years of age; (3) is a qualified elector of the county in which he is to be a judge; and (4) has obtained an degree from an accredited college or community college or, if he has no degree, has four year's experience as a full time associate probate judge in a probate judge's office in this State. After December 31, 2005, no person is eligible to hold the office of judge of probate unless the person at the time of his election: (1) is a citizen of the United States and a resident of this State; (2) is twenty-one years of age; (3) is a qualified elector of the county in which he is to be a judge; and (4) has obtained a four year bachelor's degree from an accredited post-secondary institution or, if he has no degree, has four year's experience as a full time associate probate judge in a probate judge's office in this State. Notwithstanding these provisions, a person holding the office of probate judge as of July 1, 2002, is deemed to have satisfied these requirements to hold his current office and for the purposes of running for election or re-election. However, if a person deemed to be qualified in this manner is out of office for a term or any portion of a term before seeking election, the person must satisfy the applicable requirements to be qualified to run for office.

The House amended, approved, and sent to the Senate **H.4421**. This bill establishes **provisions for school districts designated "Unsatisfactory" under the Education Accountability Act**. The bill authorizes the state superintendent, with the approval of the State Board of Education, to establish and conduct a training program for district trustees and superintendents to focus on roles and actions that support increases in student achievement. The bill authorizes the state superintendent, with the approval of the State Board of Education, to arbitrate personnel matters between the district board and district superintendent when the State Board of Education is informed that the district board is considering dismissal of the superintendent, and the parties agree to arbitration. The bill establishes provisions under which the district board of trustees may appoint at least two nonvoting members to the board from a pool of specially trained individuals nominated by the Education Oversight Committee and the State Department of Education. Compensation for the nonvoting members must be paid by the State Board of Education in an amount equal to the compensation paid to the voting members of the district board.

The House amended, approved, and sent to the Senate **H.4583**, a bill pertaining to **state and federal health insurance mandates**. The legislation creates the ten-member Task Force to Review State and Federal Health Insurance Mandates in South Carolina. The legislation provides for the membership, authority, and staff support of the task force. The task force is charged with reviewing: (1) each and every State and Federally mandated health benefit placed upon health insurance issuers in South Carolina since 1990; (2) the impact of each such mandated health benefit on the premiums for health insurance coverage in South Carolina. The task force shall make a final report with recommendations to the General Assembly no later than January 1, 2005, at which time the task force is dissolved. Until the task force is so dissolved, no mandated health benefit may be imposed on a health insurance issuer doing business in this State beyond those required as of January 1, 2002.

The House approved and sent to the Senate **H.4244**, a bill providing various **revisions to the State's unemployment insurance laws**. The bill establishes provisions allowing Native American tribes or tribal units to comply with the Federal Community Renewal Tax Relief Act of 2001. The bill provides that an employer covered under the Federal Unemployment Tax Act (FUTA) in another state would be automatically liable for unemployment insurance taxes in this state. The bill clarifies the status of an appointed successor of an elected official for the purposes of administration of the State's unemployment insurance law. The legislation reduces the number of tax rate calculations for new employers completing their probationary period and reduces the probationary period from 24 to 12 months. The legislation assigns penalty rates in the same manner for both delinquent reports and unpaid taxes. The legislation requires employers with 250 or more employees to submit wage data in an electronic format.

The House amended, approved, and sent to the Senate **H.4571**, a bill pertaining to **license reinstatement for experienced cosmetologists**. This bill allows the Board of Cosmetology to issue a license to an applicant whose license has lapsed for any length of time, to have the license reinstated without taking the state licensure examination if the person is over sixty years old and has practiced under a valid license for more than thirty years.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Committee did not meet.

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee gave a favorable report to **H.4670**. Current law **allows issuance or renewal of a driver's license to persons from other countries who are present in South Carolina on a student visa or on a work visa, or their dependents**. This bill deletes that provision and provides that for purposes of determining eligibility to obtain or renew a South Carolina driver's license, the term "resident of South Carolina" includes all persons authorized by the U.S. Department of Justice, the U.S. Immigration and Naturalization Service, or the U.S. Department of State to live, work, or study in this country on a temporary or permanent basis who present documents indicating their intent to live, work, or study in South Carolina. The bill provides that these persons are eligible to obtain or renew a driver's license.

The Committee reported favorable with amendment on **H.3592**, regarding **South Carolina Department of Transportation Commission members**. This bill provides that in a county that is divided among two or more Department of Transportation (DOT) districts, a county within that district shall not have a resident commissioner for more than two consecutive terms, and a resident commission member who completes a second consecutive term must be replaced by a person who resides in another county in the district. Current law provides that a county divided among two or more DOT districts shall not have a resident commission member for more than *one* consecutive term.

The Committee amended **H.3592** by adding a provision that each DOT commissioner shall present a written report regarding the planning, construction, maintenance, and operation of the state highway system of each county within the commissioner's congressional district to the members of the legislative delegations within the commissioner's congressional district no later than ninety days from the expiration of the commissioner's term.

The Committee reported favorable on **H.4818**. This bill makes numerous **revisions to the *South Carolina Nonpublic Post-Secondary Institutions License Act***. These revisions include, but are not limited to:

- Adding definitions for "operating or soliciting" and "religious or theological training."
- Revising the current exclusions from the definition of "nonpublic educational institution" so as to include in the exclusions:
 - noncredit bearing courses or programs sponsored by employers solely for the training of their employees if:
 - the training is conducted by an employee of the sponsoring employer or if the sponsoring employer contracts with a provider to conduct the training;
 - the sponsoring employer bears the expense of providing the training by paying the training provider directly, and this provision does not mean paying the employee after the employee pays; and

- the sponsoring employer allows employees to attend the training on company time if the training takes place during regular work hours;
- Noncredit bearing courses or programs that do not prepare or qualify individuals for employment in any occupation or trade sponsored by recognized trade, business, or professional organizations solely for the instruction of their members;
- Out-of-state institutions that formally collaborate with public South Carolina institutions in offering distance education coursework in this State and where the South Carolina institution offers the degree;
- Institutions that offer programs and courses on federal military installations.

The bill also adds a provision that the Commission on Higher Education (the Commission) may issue licenses to nondegree granting institutions for less than twelve months as circumstances justify.

The bill also provides that no individual or entity may use the term "college" or "university" or use any other name, title, literature, catalogs, pamphlets, or descriptive matter which implies that it is an institution of higher learning or that it may grant educational credentials or credit or academic or professional degrees except under specified circumstances.

The bill authorizes the Commission to charge penalties for failure to provide information as required and for repeat violations. The bill revises provisions regarding denial, revocation, or suspension of a license or permit by adding a provision that if the Commission determines that the violations are habitual, wilful, and therefore likely to reoccur, the Commission may proceed with denial or revocation though the institution complies or agrees to comply with the standards for licensure. The bill also authorizes the Commission to require that an institution delay a new class term.

The Committee reported favorable with amendment on **H.4469**, regarding **excusing school days missed because of inclement weather**. As reported by the Committee, boards may excuse up to three school days for faculty and staff, but must adjust salaries of employees for each day forgiven. Student days missed must be made up.

JUDICIARY

The full committee did not meet this week.

LABOR, COMMERCE, AND INDUSTRY

The full committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Committee did not meet this week.

WAYS AND MEANS

The full Committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.1061 *TURTLE EXCLUDER DEVICES* Sen. Ravenel

This bill provides that until the federal regulations are amended to require turtle excluder device escape openings having dimensions equal to or greater than thirty-five inches in taut horizontal length and twenty inches in simultaneous vertical taut height, each trawl net using a hard turtle excluder device in the salt waters of South Carolina shall have a turtle excluder device of this size or must have a federally approved leatherback or double cover flap hard turtle excluder device modification.

H.4917 *REMOVAL OF PINE STRAW OR PINE NEEDLES FROM A PERSON'S LAND OR FROM PUBLIC PROPERTY* Rep. Lucas

This bill provides that it is illegal to remove or aid in the removal of pine needles or pine straw from a person's land or from public property with the intent to steal the needles or straw if the land has certain notice posted which prohibits the removal of the needles or straw. The bill provides that it is also illegal to enter a person's land or public property with the intent of raking or removing pine needles or pine straw without the written consent of the landowner who has posted notice prohibiting the removal of the needles or straw. The bill provides penalties for violation of these provisions.

H.4944 *FERTILIZER* Rep. Sharpe

This bill codifies a definition for "restricted fertilizer," which is a commercial fertilizer having a potential explosive capacity that is determined to present an unreasonable threat to public safety. The bill also provides for fertilizer distribution permits and provides for general and restricted fertilizer permits. The bill provides penalties for violations of these provisions. The stated intent of the bill is to provide for and allow for monitoring of the distribution of restricted fertilizers in this State

and to encourage distributors to sell restricted fertilizers only to persons known to use such fertilizer for farm or garden purposes.

EDUCATION AND PUBLIC WORKS

H.4931 PARTICIPATION IN INTERSCHOOL SPORTS Rep. Taylor

This bill provides that schools with an organizational structure of grades six, seven, and eight may allow sixth grade students to participate in interschool competitive sports programs which have scheduled games and a championships provided that all members of the interschool teams have players in grades six, seven, and eight only.

H.4954 OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES Rep. Townsend

This bill establishes provisions regulating the operation of, and provides penalties for the illegal operation of, electric personal assistive mobility devices. These devices are defined in the bill as self-balancing two nontandem wheeled devices designed to transport one person, with an electric propulsion system with average power of one horsepower, whose maximum speed on a paved level surface, when powered solely by this propulsion system while ridden by an operator weighing one hundred seventy pounds, is less than twenty miles an hour.

H.4957 FLAG OF NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA Rep. Owens

This bill requires that the flag of the National League of Families of American Prisoners and Missing in Southeast Asia be flown atop the dome of the State House and on the grounds of or atop all South Carolina state welcome centers and state office buildings on thirteen specified days of each year.

H.4959 PROVISION OF PUBLIC TRANSIT SYSTEM Rep. Harrison

This bill provides that a municipality and a public utility may mutually agree for the public utility to transfer the obligation to provide a public transit system under certain conditions.

JUDICIARY

H.4919 DRIVING UNDER THE INFLUENCE OF ALCOHOL Rep. Gilham

This bill provides that in the criminal prosecution for a violation of offenses relating to driving a vehicle under the influence of alcohol, drugs, or a combination of them, if the alcohol concentration at the time of the test, as shown by chemical analysis of the person's breath or other body fluids, is eight one-hundredths of one percent or more, the person is guilty of driving under the influence of alcohol. The bill eliminates the offense of Driving With An Unlawful Alcohol Concentration.

H.4920 CHILD ABUSE AND NEGLECT Rep. Martin

Titled "Stephanie's Law" in memory of four-year-old Stephanie Carter who died as a result of abuse on October 17, 2000, this bill makes revisions regarding the maintenance and use of records and reports of investigations of child abuse and neglect by the Department of Social Services. The bill revises conditions under which such reports may be reopened or restricted.

H.4921 UNIFORM LAW ON NOTARIAL ACTS Rep. W. D. Smith

This bill enacts "The Uniform Law on Notarial Acts" to establish new definitions and provisions relating to activities of notaries public.

H.4922 GENERAL ASSEMBLY REVIEW OF REGULATIONS Rep. Scarborough

This bill revises the procedure by which the General Assembly reviews state agency regulations. The bill requires affirmative approval of regulations rather than allowing them to become effective after one hundred twenty days. The bill provides that if a resolution to approve or disapprove a regulation has not been enacted by the end of the second year of the legislative session, the regulation must be promulgated as a new regulation before submitting for subsequent approval.

H.4930 STATE BOARD OF LAW EXAMINERS Rep. Harrison

This bill revises provisions relating to the membership of the State Board of Law Examiners, so as to provide that the number of members and terms must be set by the Supreme Court, to authorize a person to serve who has been practicing law for seven years, and to eliminate the provision limiting board membership to one from each congressional district.

S.709 APPEAL OF AN ORDER OF RESTITUTION Sen. Hutto

This bill revises provisions relating to the time periods in which to appeal judgments from municipal and magistrates courts, so as to provide that an appeal of an order of restitution must be made within thirty days of the order. The bill provides other revisions regarding the timing of appeals in civil and criminal cases.

H.4932 PLACEMENT IN AN INTERVENTION PROGRAM Rep. Rutherford

This bill provides that all persons who may be considered for intervention must be notified by the solicitor that they must submit an application to the intervention program or to the chief administrative judge of the court of general sessions to be considered for placement in an intervention program.

H.4934 RENTAL PROPERTY VIOLATIONS Rep. Vaughn

This bill provides for additional actions that constitute a violation of unlawful failure to return certain rental property or the fraudulent appropriation of such property. The bill establishes new procedural requirements for prosecutions for violations and provides for the manner in which the value of the leased or rented item shall be determined for purposes of computing the applicable penalty.

H.4942 ASSAULT AND BATTERY UPON AN EDUCATOR Rep. Talley

This bill expands the offense of assault and battery upon an emergency medical service provider, firefighter, or home health care worker, so as to make the provision also apply to an assault and battery upon an educator.

H.4947 RAFFLES CONDUCTED BY CHARITABLE ORGANIZATIONS

Rep. Allison

This bill permits the lawful operation of the lottery game known as a "raffle" when it is conducted by a charitable organization and the prize is not a monetary one. The bill revises provisions relating to definitions for purposes of the South Carolina Education Lottery Act, so as to reflect that the "raffle," when conducted as prescribed, is a lawful lottery game.

H.4958 EMPLOYEES OF ELECTED COUNTY OFFICIALS Rep. Harrison

This bill specifies that the personnel system policies and procedures for county employees do not apply to employees of elected officials. The bill provides that employment authority vested in county government includes disciplinary authority, and provides that grievance procedures do not apply to the discharge of an employee of an elected official.

LABOR, COMMERCE AND INDUSTRY

H.4956 GOVERNMENT-OWNED TELECOMMUNICATIONS SERVICE PROVIDERS Rep. Cato

This bill provides for the manner in which government-owned telecommunications service providers shall be regulated and taxed, and establishes other provisions relating to the operations of such service providers. The bill provides that a governmental entity has no waiver of immunity for a loss resulting from the providing of telecommunications service by a government-owned telecommunications service provider under its authority. The bill revises provisions relating to the exemption of municipal utilities from regulations by the Public Service Commission, so as to further provide for exceptions to this exemption.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.1014 NEONATAL TESTING Sen. Hawkins

This bill provides that a child born in this State whose parent objects on religious grounds and indicates this objection on a certain form before testing, is not required to have neonatal testing to detect inborn metabolic errors and hemoglobinopathies. The bill also provides for information and blood samples derived from such testing, including but not limited to storage and release provisions and confidentiality provisions. The bill also increases penalties for violation of these provisions.

**H.4933 SOUTH CAROLINA LICENSURE FOR INTERPRETERS
AND TRANSLITERATORS ACT** Rep. Klauber

This bill provides for the licensure, permitting, and regulation of persons who provide interpreting and transliterating services. The bill also creates the South Carolina Licensure Board for Interpreters and Transliterators and provides for its powers and duties, and provides penalties for violations of the provisions of the bill.

H.4938 DENTAL HYGIENISTS Rep. Wilkins

This bill deletes the provision that if a licensed dentist is available, an examination and diagnosis must be made by him before a sealant is placed on a tooth. The bill adds a provision that the public health dental program shall establish and operate in-school and in-community clinics and van programs which may provide services directly or under contractual relationships. The bill provides that the in-school and van programs shall operate under the direction of the Department of Health and Environmental Control, which shall require that all dental treatment records be properly maintained and available for assessment.

WAYS AND MEANS

**S.131 INVESTMENTS ALLOWED FOR STATE RETIREMENT
SYSTEM FUNDS** Sen. Leatherman

This joint resolution proposes to amend the South Carolina Constitution regarding investment of funds of the various state retirement systems. The resolution proposes to delete the restriction limiting investments in equity securities to those of American-based corporations registered on an American national exchange as provided in the Securities Exchange Act of 1934 or any successor act, or quoted through the National Association of Securities Dealers Automatic Quotations System or similar service. The resolution further provides that if such an amendment is approved by the voters, the General Assembly must set guidelines when implementing this amendment in enabling legislation.

S.870 SALES TAX CREDIT FOR FOSTER PARENTS Sen. J. Verne Smith

This bill provides a credit against the tax imposed, up to twenty-five dollars per child per taxable year, for clothing purchased by a foster parent for the foster child.

**S.968 EXPENDITURE OF CERTAIN SOCIAL SECURITY ACT FUNDS
BY EMPLOYMENT SECURITY COMMISSION/HUNLEY LAB
SECURITY FUNDS** Sen. Leatherman

This joint resolution authorizes the South Carolina Employment Security Commission to expend up to \$1,207,749 of funds made available under Section 903 of the Social Security Act, for acquiring operating software and information technology equipment to be used for processing increased workloads related to unemployment claims and employer accounts. The resolution also provides that certain funds previously appropriated to the Department of Parks, Recreation, and Tourism for Hunley Lab HVAC may also be expended for lab security.

S.999 SECURITY REQUIRED FOR CERTAIN STATE FUNDS Sen. Hayes

This bill amends current law regarding security required for state funds in excess of the Federal Deposit Insurance Corporation limit deposited by the State Treasurer in a bank or savings and loan association, by allowing security for these deposits in the form of letters of credit.

H.4918 AMBULANCE PROVIDER FRANCHISE FEE Rep. Littlejohn

This bill establishes and provides for an ambulance franchise fee, to be paid by ambulance providers and to be calculated based upon the number of patients transported, multiplied by two dollars. Revenue from the fee must be credited to the Department of Health and Human Services' Medicaid programs.

H.4925 SOUTH CAROLINA CERTIFIED CAPITAL COMPANY ACT Rep. Cato

This bill increases the amount of available venture capital for qualifying small technology businesses by allowing a premium tax liability credit under certain circumstances.

H.4928 VETERANS AFFAIRS Rep. Parks

This bill amends current law regarding the Division of Veterans Affairs by adding a provision that the General Assembly shall appropriate funds directly from the State Treasurer to each county treasurer in a manner to be provided in the general appropriations act.

H.4939 RICHLAND COUNTY SCHOOL DISTRICTS PROPERTY TAX RELIEF ACT Rep. Scott

This bill provides for the imposition of a special one percent sales and use tax in Richland County for not more than twenty years with the revenue from the tax used to defray general obligation debt service or otherwise defray the costs of capital improvements of the school districts of Richland County. The bill provides conditions under which this tax may be imposed, including adoption of an approving resolution by boards of the three school districts in the county, and a subsequent referendum approval by voters of Richland County. The bill provides for administration, collection, and termination of the tax, and for disposition of the revenues from the tax.

H.4940 COUNTY FEES AND COSTS Rep. J. Brown

This bill provides for increases in fees charged for certain transactions by county Clerks of Court, Registers of Deeds, or County Treasurers. The bill also increases the county's portion of the documentary stamp fee.

H.4943 STATE BUDGET SPENDING LIMITATION Rep. W.D. Smith

This joint resolution provides for a referendum for a Constitutional amendment which would provide that the total of state funds from all sources except federal revenues appropriated for fiscal years beginning after 2005 must not exceed the total of such appropriations for the preceding fiscal year by more than the percentage increase in the consumer price index in the last completed calendar year. The resolution provides that the General Assembly shall provide by law the index used to measure increases in the consumer price index for purposes of this

limitation, and the limitation does not apply to a bill or joint resolution appropriating funds in excess of the limit if the bill or joint resolution receives an affirmative vote in each house of the General Assembly by at least two-thirds of the members present but not less than three-fifths of the total membership of each house.

S.951 SPECIAL MILLAGE LIMITATION Sen. Thomas

This bill provides a special millage limitation in certain counties implementing countywide reassessment in 2001. The bill also provides for a millage reduction, by an amount sufficient to offset the excess millage, when the limit is exceeded.

H.4955 INFANTS AND TODDLERS WITH DISABILITIES Rep. Quinn

This bill makes various revisions to statutes pertaining to infants and toddlers with disabilities, including but not limited to revising provisions regarding individualized family service plans for infants and toddlers receiving services under the Infants and Toddlers with Disabilities Act. The bill also revises provisions regarding funding of delivery of these services and regarding submission of reports on the status of the system. The bill also deletes the current county local interagency coordinating councils and establishes and provides for Babynet coordination teams to provide opportunities for local coordination and communication. The bill provides that these teams are to support child find efforts, local program monitoring, program coordination, and planning/implementation of improvement strategies.

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